


From:

05/02/2024

Jeffery Battle, (Plaintiff)
P.O. Box 448
Laurel, MD 20725
Email: jefbttl@hotmail.com
Phone: (301) 613-6104

Page 1 of 9

To:


USDC - GREENBELT
'24 MAY 2 PM 1:25

Honorable Lydia Kay Griggsby
United States District Judge
United States District Court, District of Maryland
6500 Cherrywood Lane, Suite 400
Greenbelt, MD 20770

CC:

Microsoft Corporation Regional Agent: (Defendant)
DLA Piper LLP (US)
650 South Exeter Street, Suite 1100
Baltimore, MD 21202-4576
ATTN: Brett Ingerman
Tel: (410) 580-3000
Fax: (410) 580-3001

Jeffery Battle vs Microsoft Corporation, No: 1:23-cv-01822-LKG; Motion for Injunction

Dear Honorable Judge Lydia Griggsby,

The plaintiff ("Mr. Battle") ("Jeffery Battle") submits this Motion for Injunction – Permanent, after numerous official and reasonable attempts to resolve this matter with the defendant starting a year ago in May of 2023. Due to the elapsed time, and numerous official notifications to the defendant from the Plaintiff, the defendant has not acted in good faith by doing all that they can to abate the nuisance. Due to Microsoft's alleged actions, the plaintiff is in continuous fear for his safety and the safety of his family. The defendant's actions have caused him continuous emotional harm and other personal and property damage.

Mr. Battle has alleged in his complaint and supplements, that the defendant has engaged in Assault, Libel & Slander, Negligence, Gross Negligence, Intentional Disregard, Strict Product Liability, and Product Liability. Additionally and new to Plaintiff's complaint is that the defendant did not request or receive Mr. Battle's permission to utilize his personal trademarked and copyrighted properties and, therefore, has committed unauthorized property use violations.

The defendant must stop its course of action to prevent injustices and irreparable harm to Mr. Battle. The Plaintiff is requesting a Permanent injunction court order. The plaintiff passes the criteria to obtain a permanent injunction: (1) that the plaintiff has suffered an irreparable injury; (2) that remedies available at law, such as monetary damages, are inadequate to compensate for the injury; (3) that the remedy in equity is warranted upon consideration of the balance of hardships between the plaintiff and defendant; and (4) that the permanent injunction being sought would not hurt public interest.

This Motion for (Permanent) Injunction includes previously submitted and new evidence in support of the plaintiff's request for a judicial order that will restrain the defendant from continuing their actions that threaten and invade Mr. Battle's legal rights.

Background:

For a year now, Mr. Battle has forwarded official correspondence to the defendant, through Microsoft's official channels, and five cease-and-desist notices, which have failed to compel the defendant to stop their harmful and unauthorized activities. The plaintiff communicated in numerous instances, stating "Cease and Desist" through the defendant's official communication processes, "Report a Concern to Microsoft Bing" and other Bing webpage concern submissions, and forwarded the first of five official Cease & Desist legal notices and other official correspondence to the defendant, before engaging in a civil action. See the correspondence as follows:

- A. Court Docket entry # 3: Pre-Discovery documentation; Correspondence from Jeffery Battle re: Pre-Discovery Exhibit Documents; dated July 24, 2023, (*Exhibit 12, pages 1 through 4*) and (*Exhibit 13, pages 1 through 13*).
- B. Court Docket entry # 3; Pre-Discovery documentation: Correspondence from Jeffery Battle re: Pre-Discovery Exhibit Documents, dated July 24, 2023, Cease & Desist Legal Notice (*Exhibit 2, pages 1 through 5*) and (*Exhibit 4, pages 1 through 4*).
- C. Court Docket entry # 3; Pre-Discovery documentation: Correspondence from Jeffery Battle re: Pre-Discovery Exhibit Documents, dated July 24, 2023, (*Exhibit 8; Exhibit 9; Exhibit 10; and Exhibit 11*).

From May 2023 until the present, Microsoft, through their search engine Bing and other AI functions as previously stated in Plaintiff's complaint and supplements, and cease-and-desist legal notices, has generated false statements conflating him and his personal property with a person of a different name, Jeffrey Leon Battle, who is a convicted terrorist, to the professional and personal detriment of him and his family. Please note that the distinction between Plaintiff's name, Jeffery Battle, and, Jeffrey Leon Battle, in the spelling of the first names, and Plaintiff does not have a middle name.

Microsoft through its products and search engine "Bing" "Bing Chat," "Copilot," and Bing "Related Searches" Artificial Intelligence (AI) functions, has engaged in the act of defaming and other violations against Mr. Battle and his personal property, by falsely labeling, relating, connecting, and associating him as a terrorist, and labeling, relating, connecting, and associating his property as terrorist owned. Their actions are propagating false information about the plaintiff

and have had substantial impacts on his personal and professional life, personal property, and livelihood.

For context, the plaintiff is an author, professor, and the founder, owner, President, and Chief Executive Officer (CEO) of his company, Battle Enterprises, LLC, and its subsidiary The Aerospace Professor Company. He is an honorably discharged United States military veteran, and journalist, who is in the process of promoting his new autobiography as of September 2022, entitled "The Aerospace Professor: The Man and The Brand" and intellectual property brand (Logo), among other personal and public business ventures.

Recently, the plaintiff discovered that Microsoft's "Microsoft Bing" search engine and "Copilot" AI function, are continuously evolving and generating other types of false information. For example, Labeling, relating, connecting, and associating the plaintiff and his business "Battle Enterprises, LLC" and autobiography with Jeffrey Leon Battle, a convicted terrorist, by stating "Jeffrey Battle's business, Battle Enterprises, LLC, is also involved in the legal proceedings", and connecting Mr. Battle with an associate of the terrorist, another convicted terrorist named Patrice Lumumba Ford; both charged with "seditious conspiracy and levying war against the United States". The defendant indicated in their AI automated publisher "Copilot" that the plaintiff's business "Battle Enterprises, LLC" was owned by a terrorist. The defendant continued to add more outlandish materials through Bing Copilot" and "Bing Related Searches" with changing formats; contents, and structures, that falsely labeled, related, connected, or associated, Mr. Battle and his property as being terrorists owned. See four April 2024 dated Cease and Desist Legal notices as follows:

- D. Court Docket entry #29; Correspondence from Jeffery Battle re: Correspondence to Defendant's Counsel, and Attachments, dated April 4, 2024.
- E. Court Docket entry # 30; Correspondence from Jeffery Battle re: Legal Notice to Defendant's Counsel; and Attachments, dated April 18, 2024.
- F. Court Docket entry # 31; Correspondence from Jeffery Battle re: Fourth Legal Notice to Defendant's Counsel; and Attachments, dated April 19, 2024.
- G. Court Docket entry #32; Correspondence from Jeffery Battle re: Fifth Legal Notice to Defendant; and Attachments, dated April 24, 2024.

The defendant appears to be engaged in malicious activities and Mr. Battle believes, has purposely targeted him due to the release of his autobiography and following press releases for promotions. The first example of the defendant materially connecting the Plaintiff to a convicted terrorist is as follows without the plaintiff's intellectual property image (logo) attached. *See Court Docket entry # 3: Pre-Discovery documentation; Correspondence from Jeffery Battle re: Pre-Discovery Exhibit Documents; dated July 24, 2023, (Exhibit 17, pages 1 of 1).* Then later, someone or something added the plaintiff's intellectual property (logo image) to the harmful image without Mr. Battle's permission, which are Trademark and Copyright violation. *See Court Docket entry # 3: Pre-Discovery documentation; Correspondence from Jeffery Battle re: Pre-Discovery Exhibit Documents; dated July 24, 2023, (Exhibit 15, pages 1 of 1).*

On June 6, 2023, the plaintiff entered a test question into the Microsoft "Bing Chat" AI program which stated, "Are Jeffery Battle and Jeffrey Battle the same person?" The response was "No"

and it went on to detail how both individuals were different. *See Court Docket entry # 3: Pre-Discovery documentation; Correspondence from Jeffery Battle re: Pre-Discovery Exhibit Documents; dated July 24, 2023, (Exhibit 27, pages 1 of 1)*. On June 25, 2023, the same question was asked: “Are Jeffery Battle and Jeffrey Battle the same person?” and the answer was “Yes” appearing to be manipulated Bing AI content, changing the response and labeling both the plaintiff and Jeffrey Leon Battle as terrorists. *See Court Docket entry # 3: Pre-Discovery documentation; Correspondence from Jeffery Battle re: Pre-Discovery Exhibit Documents; dated July 24, 2023, (Exhibit 26, pages 1 of 1)*. This happened after the plaintiff released his autobiography in 2022, and, subsequent press releases. The defendant went on to attach convicted terrorist, Jeffrey Leon Battle’s profile to the plaintiff’s press releases and journalist profile, indicating that the Plaintiff was a terrorist.

Plaintiff uses the name “The Aerospace Professor” as a professional title. In the first recognized occurrence to harm Mr. Battle, in or around February or March of 2023, when searching in Bing the words “The Aerospace Professor,” Bing images would show the heading “The Aerospace Faculty” as the result. The plaintiff believes that someone or something attempted to harm his brand by suppressing the Search Engine Optimization (SEO) results, therefore, keeping his brand from showing up in searches and performing at its best on Bing. In addition, to directly harm the Plaintiff, the defendant published Mr. Battle’s home address in numerous ways not published before when searching his business “Battle Enterprises” and they published his personal phone number without authorization. Mr. Battle had provided his business phone number for Battle Enterprises. *See Court Docket entry # 3: Pre-Discovery documentation; Correspondence from Jeffery Battle re: Pre-Discovery Exhibit Documents; dated July 24, 2023, (Exhibit 42, pages 1 through 8)*.

Mr. Battle believes that he was deliberately targeted by the defendant because of his brand. There could be intentional harm or even criminal activities involved, and the plaintiff believes that the defendant's actions to conflate similar names were simply done out of sheer convenience and are not AI mistakes.

The plaintiff is well qualified in accessing modern technology developments and is considered a subject matter expert. He has over 30 years of experience in technology and has two Bachelor of Science (BS) degrees in General Engineering and another BS degree in Professional Aeronautics, a Master of Business Administration in Aviation (MBA/A), and is all but a dissertation in a Doctor of Business Administration (DBA) program. He believes that there is AI manipulation involved which should signal that an investigation is needed due to the defendant’s numerous false and extremely different and unique activities designed to harm him. The evidence presented in the complaint and supplements, cease and desist legal notices, and other evidence presented here, suggest that it is highly probable that the actions and activities to harm Mr. Battle appear likely to be human computer programmers developed and assisted, and not solely Artificial Intelligence (AI) developed and generated. The defendant’s alleged actions to harm an innocent citizen should be of the highest concern to the general public.

Mr. Battle is requesting that the defendant, Microsoft, cease defaming and bringing other harm to him and his personal property, by falsely relating, connecting, associating, or other, him to Jeffrey Leon Battle and his associates who are convicted terrorists, and the plaintiff’s personal

and professional property from being falsely labeled, related, connected, or associated, or other, to being terrorist owed. Mr. Battle is requesting that the defendant be held in contempt of court for any violations due to any failure to comply with the injunction, which in turn may result in either criminal or civil liability.

After the most recent of five Cease and Desist notices were forwarded to the defendant, they are continuing to defame and bring other harm to the plaintiff and his personal property, by falsely relating, connecting, associating, or other, him to Jeffrey Leon Battle and other convicted terrorists. For context, when searching the plaintiff's name in Microsoft Bing's search engine, "Jeffery Battle", the Bing "Related Search for Jeffery Battle" reveals in the ledger "Jeffery Battle wiki." When selected goes to convicted terrorist Jeffery Leon Battle's Wikipedia profile. The plaintiff does not have a Wikipedia profile. The defendant's actions to connect and associate, suggest that the plaintiff and the terrorist are the same individual. Also, when searching for the plaintiff's autobiography in Bing, "The Aerospace Professor autobiography," Bing search results in "Related Searches for The Aerospace Professor autobiography" reveal in the ledger "Jeffrey Battle" the convicted terrorist. When selected, the webpage goes to the terrorist's description and profile and the webpage also includes information about another one of his terrorist associates. Again, the defendant's actions to connect and associate, suggest that the plaintiff and the terrorist are the same individual. Again, On May 1, 2024, when selecting from the Bing ledger "Jeff Battle liability" the result returns in Bing "Copilot" as "Jeffrey Battle filed a defamation lawsuit against Microsoft in Maryland federal court. The case, known as Battle v. Microsoft Corporation, ..." This is a false statement. Jeffrey Battle is a convicted terrorist and is not the same person as the plaintiff, who filed the lawsuit. Once again the plaintiff is being falsely associated with being a convicted terrorist. *See attachments; Exhibit 135; Exhibit 136; and Exhibit 137.*

Respectfully your honor, please grant Permanent injunctive relief. A long list of damages has resulted due to the defendant's continuous actions. Requesting to be included in an injunction judicial order, that the defendant immediately Cease and Desist all alleged Assault, Libel & Slander, Negligence, Gross Negligence, Intentional Disregard, Strict Product Liability, Product Liability, and other harmful activities including Trademark, and copyright use violations, targeted against Plaintiff and his personal and professional properties. Requesting that the defendant be held in contempt of court for any additional violations and failure to comply with the injunction. Requesting that all criminal and civil liabilities be enforced.

In addition, it is alleged by Mr. Battle that the defendant has engaged in Perjury while attempting to manipulate the plaintiff's civil proceedings submitting response documentation and falsely indicating that the plaintiff was under an arbitration agreement that would not allow him to engage in these civil actions. Perjury is the intentional act of falsifying an affirmation, to tell the truth, whether spoken or in writing, concerning matters material to an official proceeding. *See Court Docket # 29; Substantive legal issues – addressing (Ingerman, Brett) dated December 18, 2023; See Court Docket # 23; RESPONSE re20 Substantive legal issues - addressing filed by Jeffery Battle, dated December 20, 2023; See Court Docket # 27; Plaintiff's Response re20 Substantive legal issues - addressing filed by Jeffery Battle, dated December 28, 2023; and See Court Docket # 28, Supplement to27 Response filed by Jeffery Battle, dated January 4, 2024.*

Damages Sought:

Your honor, Mr. Battle is requesting a Permanent injunction as an equitable remedy. The defendant has reported billions of dollars in profits due to their newest Artificial Intelligence (AI) based products.

It has been a year and evidence presented by the plaintiff has shown that the defendant does not display the ability to effectively correct, control, or permanently remove false outputs of its own AI, long-term and forever, including Microsoft Bing search, Bing Chat, and Copilot. Even though the evidence that has been submitted to them shows that their business model is harming individuals and families, it is continuously harming the plaintiff. It appears that the defendant is only reacting to Mr. Battle's requests by attempting to suppress some of the false information from his internet views, but not removing it altogether from regenerating, changing formats and locations. The false information concerning labeling, relating, connecting, and associating Mr. Battle to being a terrorist, and his property as terrorist-owned, continues to resurface in different ways, locations, and formats.

Due to the defendant's actions since May of 2024, Mr. Battle requests that the defendant be immediately held liable, through an injunction, for all monetary damages and other equitable relief requested in his submitted complaint and supplement documentation, and revised damages and supplement documentation. (1) The plaintiff has suffered an irreparable injury; (2) The remedies monetary damages, available at law, are inadequate to compensate for the injury; (3) the remedy in equity is warranted upon consideration of the balance of hardships between the plaintiff and defendant; and (4) that the permanent injunction being sought would not hurt public interest.

The plaintiff and his personal property will continue, with no end in sight, to be labeled, related, connected, and associated, with being a terrorist with terrorist owed property. This fact will need to be disclosed by Mr. Battle on all employment applications, during all business negotiations, therefore, continuously harming the plaintiff and his personal property and reducing the market values. The monetary and other equitable requests sought, including market values, have been submitted in multiple damages documentation as follows: *See Court Docket # 1, COMPLAINT against Microsoft Corporation, dated July 7, 2023; see Court Docket # 5, Supplement to 1 Complaint filed by Jeffery Battle, dated July 26, 2023; see Court Docket # 7, Supplement to 1 Complaint filed by Jeffery Battle, dated August 14, 2023; see Court Docket # 8, Supplement to 1 Complaint filed by Jeffery Battle, dated August 21, 2023; see Court docket # 18, Damages Sought Supplemental Documentation to 1 Complaint filed by Jeffery Battle, dated November 17, 2023; and see Court Docket # 19, Supplement to 1 Complaint filed by Jeffery Battle, dated November 27, 2023.*

These false accusations, through Bing AI and other Microsoft-owned products, which are directly attributed to Mr. Battle and his personal property, have, and will continue, to severely damage his professional and personal reputation, harm his personal property, and again, could lead to threats of violence against him and his family. While the plaintiff has been dealing with this false attribution of facts to his name and property for a year, his plan to promote his

autobiography, intellectual property (logo), and other business endeavors has been placed on hold.

Again, the plaintiff has experienced personal and personal property harm as an author, professor, founder, owner, President, and Chief Executive Officer (CEO) of his company, Battle Enterprises, LLC, and its subsidiary The Aerospace Professor Company. He is an honorably discharged United States military veteran, and journalist, who is in the process of promoting his new autobiography as of September 2022, entitled "The Aerospace Professor: The Man and The Brand" and intellectual property brand (Logo), among other personal and public business ventures including, Podcast opportunities, personal and professional speaking engagements, animated and non-animated movie deals, product license agreements, and other private business endeavors

An image of the plaintiff's intellectual property (logo image), developed by Bing and without Mr. Battle's permission, which are Trademark and Copyright violation, is being shared throughout the internet on Bing and Google. The language in the image is falsely stating that the plaintiff is a convicted terrorist. Due to the defendant's actions, this image has been circulating the internet for nearly a year and will continue to spread throughout the internet, falsely stating defamation against the plaintiff and putting his and his family's safety at risk, worldwide, for assault. " *See Court Docket entry # 3: Pre-Discovery documentation; Correspondence from Jeffery Battle re: Pre-Discovery Exhibit Documents; dated July 24, 2023, (Exhibit 15, pages 1 of 1; the image is stating generate by Microsoft is stating:*

"Jeffery Battle, also known as The Aerospace Professor, is the President and CEO of battle Enterprises, LLC and its subsidiary The Aerospace Professor Company. He is an honorable discharged U.S. Air Force veteran and has been appointed as an Adjunct Professor for Embry-Riddle Aeronautical University, battle has a Master of Business Administration in Aviation degree and two bachelor of Science degrees. However, Battle was sentenced to eighteen years in prison after pleading guilty to seditious conspiracy and levying war against the United States. He had two years added to his sentence for refusing to testify before a grand jury."

The defendant's actions, and continuous false statements, have caused Mr. Battle continuous emotional harm and other personal and property damages. Mr. Battle has ceased marketing, promoting, and business generation and sales activities related to his new autobiography and trademarked and copyrighted intellectual properties. He has discontinued seeking Podcast opportunities, personal and professional speaking engagements, animated and non-animated movie deals, product license agreements, and other private business endeavors, to the plaintiff's own financial, personal, and professional detriment.

A news article from the Financial Times stated, "In September, Microsoft committed itself to paying any legal costs for commercial customers that are sued for using tools or any output generated by its AI." If the facts of the article are accurate, Microsoft should commit to paying the cost for all harm caused by any output generated by its AI, including private individuals, like the plaintiff, who has experienced far-reaching and extensive harm.

Additional evidence in support of damages claims and market value losses. In addition, the defendant has engaged in Copyright and Trademark use violations. The documentation includes the plaintiff's medical treatment documentation, credentials, personal property filings, personal certifications for business, Copyright, and Trademark registration documentation, all of which have been harmed by being labeled, related, connected, and associated with being terrorist and terrorist-owned property. *See attached Exhibit 138, pages 1 through 29*, and the attachment as identified in the following:

ATTACHMENTS: Exhibit 138;

1. Medical Treatment and Therapy Documentation for Emotional Harm, p. 1 and 2, dated 12/5/2023
2. Adjunct Professor – Appointment Documentation, p. 3, dated June 7, 2006
3. Doctor of Business Administration (DBA) Transcript, p. 4 through 6, dated 08/19/2019
4. Master of Business Administration in Aviation diploma, p. 7 through 9, dated May 2006
5. Bachelor of Science (BS) diploma in Professional Aeronautics, p. 10 through 12, dated 6/15/2006
6. Bachelor of Science (BS) transcript, General Engineering, p. 13, dated June 13, 2000
7. United States Patent and Trademarked certificates, The Aerospace Professor logo, p. 14 through 16, dated April 10, 2019
8. Federal Contracting Officer – Certificate of Appointment, p. 17, dated April 1, 2008
9. Federal Acquisition Certification, Level III, p. 18, dated June 16, 2007
10. Federal Program Manager – Level I, p. 19, dated August 2, 2005
11. Copyright documentation for “The Aerospace Professor: The Man and The Brand” autobiography, p. 20 through 21, dated September 20, 2022
12. The plaintiff is a disabled veteran and has two personal certifications for business, federal and state; Service Disable Veteran Owned Small Business (SDVOSB), p. 22 through 25, updated February 3, 2024, and October 20, 2020
13. Battle Enterprises, LLC registration, p. 26, dated September 18, 2019
14. Battle Enterprises, LLC, product seller distributor authorization letter – Essendant, p. 27, dated May 25, 2021
15. Battle Enterprises, LLC Capabilities Statement listings for product sales, p. 28.
16. United States Air Force veteran – Honorable Discharge documentation, p. 29

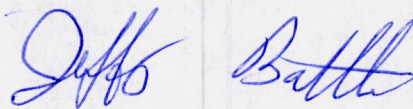
The plaintiff is the Present and Chief Executive Officer (CEO) of The Aerospace Professor Company, which is a subsidiary of Battle Enterprises, LLC. Additional listing of products and services are included on the company's websites at: TheAerospaceProfessor.com, and, Battle Enterprises.net. In addition, the plaintiff's autobiography, The Aerospace Professor: The Man and The Brand” contains some details of personal business plans. The autobiography can be purchased on Amazon.

Respectfully your honor, the plaintiff requests that if any of the defendant's harmful and unauthorized activities were to continue after a Permanent injunction, that would falsely label, relate, connect, associate, or other, him to a convicted terrorist or his personal and professional property being falsely labeled, related, connected, or associated, or other, to being terrorist owed; additional and revised supplement monetary damages per violation be allowed among other

revised and supplemental reliefs, sufficient to discourage defendant's continuous harmful actions and behavior.

Regards,

Jeffery Battle, Plaintiff

A handwritten signature in blue ink, appearing to read "Jeffery Battle", is written over the typed name.

NOTE: This document has been forwarded to Defendant by FedEx Next Day Delivery Mail – Signature Confirmation, with a Certificate of Service, and was Hand delivered to the United States District Court of Maryland